

**Bureau for Private Postsecondary and Vocational Education**

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**Advisory Committee Meeting****Friday, April 29, 2005****MEETING MINUTES****■ Advisory Committee Members in Attendance:**

George “Jay” Achenbach
Institutional Representative

Elena Ackel
Student Advocate

Robert Dickerson
Institutional Representative

Mitchell Fuerst
Institutional Representative

Dr. Lolly Horn
Institutional Representative

■ Staff in Attendance:

Barbara Ward, Bureau Chief
Patrick Dorais, Deputy Bureau Chief
Kristy Schieldge, Legal Counsel
Anita Keaton, Secretary
Celeste Knox, Office Assistant

Due to the unavailability of a quorum, the Committee met as a sub-committee and only held discussions on the items listed on the Agenda. No action was taken.

■ **Call to Order:**

Ms. Ward welcomed the Advisory Committee members and public attendees. Introductions of the Advisory Committee, Bureau and Department of Consumer Affairs (DCA) staff, and public attendees followed.

■ **Approval of Minutes for the Meeting of January 21, 2005:**

A motion was made by Dr. Horn to approve the minutes from the January 21, 2005 meeting. The motion was seconded by Mr. Achenbach. The Committee then approved the minutes.

■ **Advisory Committee Status Report:**

Mr. Dorais provided a status report on the Bureau's progress in selecting additional members for the Advisory Committee. He indicated that the Bureau is following the statute and looking for approximately 12 members, with equal representation from consumer groups and educational institutions. He also noted that employer interests are also to be represented on the Advisory Committee. He encouraged Committee members to submit names of potential candidates.

■ **Confirmation of, and Agenda Items for, Future Meetings:**

Mr. Dorais handed out a calendar of possible future meeting dates for the next year. The Committee suggested several possible agenda items for upcoming meetings, including a report on the Bureau's complaint handling process, reports on national conferences, a discussion on the regulation of distance education, and an overview of Bureau regulations.

■ **Legislative Update:**

Mr. Dorais provided an overview of several bills introduced in the Legislature this year that the Bureau is tracking. The list included: SB 445 (Ducheny); SB 767 (Romero); AB 532 (Negrete McLeod); AB 827 (Goldberg); AB 840 (Arambula); AB 1072 (Liu); and AB 1532 (Bass).

Robert Johnson with the California Association of Private Postsecondary Schools (CAPPS) also suggested that the Bureau add SB 412 (Figueroa) to its list.

Dr. Horn mentioned that SB 445 has been amended from its original version.

Mr. Fuerst asked whether the Bureau had a position on any of the bills. Mr. Dorais responded that the Bureau did not have an approved position on any of the bills at this time.

Ms. Ward informed everyone that bills can be tracked on-line at www.leginfo.ca.gov.

■ **BPPVE 2005 Strategic Plan:**

Ms. Ward provided an overview of the Bureau's 2005 Strategic Plan, which included a brief discussion on the goals and objectives. Some of the comments included:

- Mr. Johnson suggested that the Bureau get additional input regarding its plan from CAPPS and other associations, and not just limiting it to the Advisory Committee.
- For the Bureau's outreach efforts, Mr. Fuerst suggested looking at the conference call training being provided by the Social Security Administration's "Ticket To Work" program.
- Dr. Horn recommended that the Bureau include in its plan working with institutions on strategies for compliance, and having a remediation or school improvement process as one of the objectives.
- Mr. Dickinson asked the Bureau to review the timelines for completion of several of the plan's objectives to make sure they are realistic.

During the discussion, Ms. Ward introduced Deputy Director of Bureau Relations Steve Giorgi, who performed a review of the Bureau's enforcement operations in Fall 2004. Ms. Ward indicated that it was Mr. Giorgi's review that led to the Bureau holding an Enforcement Summit in February 2005 to review various models used by other regulatory programs. She indicated that a restructured enforcement operation would be in place by July 1, 2005.

Ms. Ward also introduced Ben Frank, who is under contract with the Department to review the Bureau's operations, as required by SB 1544 (Chapter 740, Statutes of 2004). Mr. Frank gave an overview of the review process, which will include reports to the Legislature regarding his findings and recommendations.

■ **Update on "Draft" Complaint Handling and Disclosure Procedure Regulations:**

Ms. Ward provided an overview on the progress that the Department has made on the draft regulations since the last meeting of the Advisory Committee. She indicated that the Bureau made several changes since posting an initial draft of the regulations on its Web site in order to seek public comment. The Bureau also has met with representatives from the Civil Division of the Attorney General's Office and has updated its Complaint Form, which was a specific suggestion made by Ms. Ackel. The Bureau surveyed other states as part of its review of the Complaint Form, so that it is more informative for students seeking Bureau assistance.

Ms. Ward stated that the final draft of these regulations will be posted on the Bureau's Web site and will include a 45-day public comment period.

■ **Lunch Break:**

11:45 a.m. – 12:45 p.m.

■ **Discussion on Regulation of Out-of-State Distance Learning:**

The Advisory Committee then agreed to skip forward to this agenda item, as the presentation for the closed schools process and regulations was not yet ready to begin.

Dr. Horn began the discussion by suggesting that the Bureau look at Wisconsin and Indiana for guidance on possible regulation of this sector of the private postsecondary industry. She mentioned that Wisconsin and the Distance Education and Training Council (DETC) have

established a Memorandum of Understanding to ensure quality education and training for that state's residents.

Mr. Achenbach expressed concern about on-line training schools that are not being regulated because they are outside California, but in his opinion are "operating" in the state by offering educational services to California residents. He recognized that there may be interstate commerce concerns relative to the regulation of this sector. He also suggested that the Bureau consider establishing a task force with DETC to further explore this issue.

■ **Presentation and Discussion on Closed Schools Process and Regulations:**

Deborah Godfrey with the Bureau's Student Tuition Recovery Fund/Closed Schools Unit gave a Power Point presentation on the closed schools process.

Ms. Ackel expressed the importance of educating students who experience a school closure about the possible consequences of a "teach out" at another institution.

Dr. Horn pointed out that some accrediting agencies have "teach-out" commitments.

Mr. Fuerst indicated that the problem with the "teach-out" option is that students will often agree to a "teach-out with one school, but then may change their minds in the middle of the process once other schools approach them. He asked whether the Bureau might be able to assist in these situations.

Mr. Fuerst also suggested that the Bureau obtain student transcripts sooner than the day of a school closure. Mr. Johnson and Ms. Godfrey responded that the Bureau is not required to maintain these records, and that the law leaves that responsibility to the closing institution.

■ **Public Comment for Items Not on the Agenda:**

There were no additional comments from the public.

■ **Adjournment:**

Ms. Ward thanked the Advisory Committee members and public attendees for their participation and for providing their ideas and suggestions.

The meeting adjourned at 2:00 p.m.